

To: Zoning Board of Adjustment

From: Justin Wilkins, Building Official (BO)

..Title

PUBLIC HEARING: Consider an application requesting a variance to Section 9.07(B)1. b. (2) of the Unified Development Code (UDC) which requires open-style fencing and a max height requirement of 6' for front yards and side yards in front of the main structure. The applicant is requesting a variance to allow a wooden privacy fence. The property is on approximately 2.031-acres legally described as Lot 1, Block 1 of Aikens Subdivision, zoned Single-Family 36,000 square-foot minimum lots (SF-36) and addressed as 132 Mount Gilead Rd. Preston & Judy Sittig, Owner/Applicant. (ZBA-2509-0007)

Request:

The Applicant is requesting a variance to allow a recently constructed wooden privacy fence to remain at the current built height of 8' and not be open-style fencing.

Background:

On August 05, 2025, the city's Plans Examiner did a fence inspection and noticed there was unapproved fence work completed that did not match the approved plans. The unapproved fence work that was completed is not in compliance with the UDC. The Applicant/Owner was notified they would need to request a variance to allow the fence to be 8' in height and to allow privacy fencing in front of the main structure.

UDC Section 9.07(B)1.b.(2). – Open-style fence height requirements for front yards and side yards in front of the main structure are as follows: 2) For properties which are located in SF-20, SF-25, SF-30, and SF-36 zoning districts, fence shall not exceed a height of six feet (6') when located in front of the main structure and the property is a half-acre or greater. If the property is less than a half-acre, refer to B(1)(b)(1) of this code.

Citizen Input:

On September 24, 2025, the City mailed out 9 Letters of Notification to all property owners within 200' of the subject property for this Public Hearing.

Staff has received no written response from the public regarding this request.

Summary:

Section 8.02 (C)(6) of the UDC states that when considering a variance request, the following Zoning Board of Adjustment shall Use the following criteria:

- 1) That literal enforcement of the controls will create an unnecessary hardship or practical difficulty in the development of the affected property;
- 2) That the situation causing the hardship or difficulty is neither self-imposed nor generally affecting all or most properties in the same zoning district;

- 3) That the relief sought will not injure the permitted use of adjacent conforming property; and
- 4) That the granting of a variance will be in harmony with the spirit and purpose of these regulations.

Authority of the Board:

Each case before the Board of Adjustment must be heard by at least seventy five percent (75%) of the Board members. The concurring vote of four (4) members of the Board is necessary to:

- 1) Approve as submitted
- 2) Approve with modified or additional condition(s)
- 3) Deny

Supporting Documents:

- Maps
- Staff Attachment - Application and information
- Staff Attachment - Staff Photos